

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE AND  
EMPLOYMENT RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (DC)

CLASS ACTION

**NOTICE OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

This document relates to:  
All Securities Actions

Case No. 09 Civ. 0580 (DC)

**NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Sharan Nirmul, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Richard A. Russo, Jr.  
Firm Name: Barroway Topaz Kessler Meltzer & Check, LLP  
Address: 280 King of Prussia Road  
City/State/Zip: Radnor, PA 19087  
Phone Number: (610) 667-7706  
Fax Number: (610) 667-7056  
Email Address: rrusso@btkmc.com

FILED  
JUL 21 2009  
S.D.N.Y.  
2009 JUL 21 10:39

JUL 22 2009

978769-88 PG

Richard A. Russo, Jr. is a member in good standing of the Bars of the State of Pennsylvania and the State of New Jersey. There are no pending disciplinary proceedings against Richard A. Russo, Jr. in any State or Federal Court.

Dated: 7-20-09

Respectfully submitted,

**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**



Sharan Nirmul  
Email: snirmul@btkmc.com  
280 King of Prussia Road  
Radnor PA 19087  
(610) 667-7706  
Fax: (610) 667-7056

*Co-Lead Counsel for Lead Plaintiffs and the  
Proposed Class*

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

IN RE BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE AND  
EMPLOYMENT RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (DC)

**CLASS ACTION**

**AFFIDAVIT OF SHARAN NIRMUL IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

This document relates to:  
All Securities Actions

Case No. 09 Civ. 0580 (DC)

State of Pennsylvania        )  
  )  
County of Delaware         )               ss.

Sharan Nirmul, being duly sworn, hereby deposes and says as follows:

1.       I am an associate at Barroway Topaz Kessler Meltzer & Check, LLP, Co-Lead Counsel for the Lead Plaintiffs and the Proposed Class in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the Lead Plaintiffs' motion to admit Richard A. Russo, Jr. as counsel *pro hac vice* to represent the Lead Plaintiffs in this matter.

2.       I am a member in good standing of the bar of the State of New York, and was admitted to practice law on May 1, 2002. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Russo is an associate at Barroway Topaz Kessler Meltzer & Check, LLP in Radnor, Pennsylvania.

4. I have found Mr. Russo to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move the admission of Richard A. Russo, Jr., *pro hac vice*.

6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mr. Russo from Pennsylvania and New Jersey issued within the past thirty days.

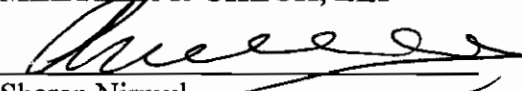
7. I respectfully submit a proposed order granting the admission of Richard A. Russo, Jr., *pro hac vice*, which is also attached.

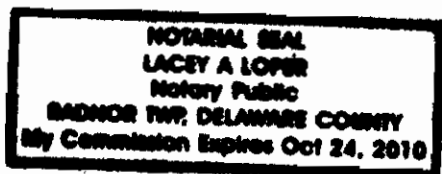
WHEREFORE it is respectfully requested that the motion to admit Richard A. Russo, Jr., *pro hac vice*, to represent the Lead Plaintiffs in the above-captioned matter, be granted.

Dated: 7-20-09

Respectfully submitted,

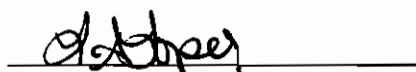
**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**

  
Sharan Nirmul  
Email: snirmul@btkmc.com  
280 King of Prussia Road  
Radnor PA 19087  
(610) 667-7706  
Fax: (610) 667-7056



Sworn to and subscribed before me

this 20<sup>th</sup> day of July, 2009.

  
Notary Public

*Co-Lead Counsel for Lead Plaintiffs and the  
Proposed Class*



Supreme Court of Pennsylvania

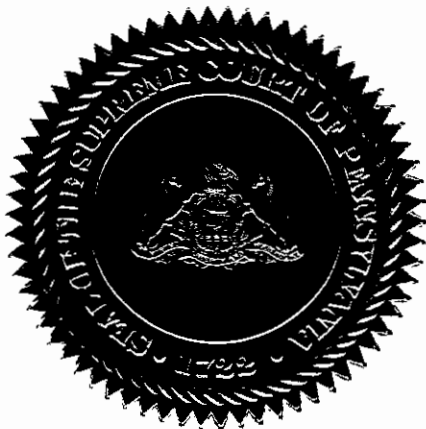
**CERTIFICATE OF GOOD STANDING**

***Richard A. Russo Jr., Esq.***

**DATE OF ADMISSION**

***October 25, 2006***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: July 16, 2009**

  
John W. Person Jr., Esq.  
Deputy Prothonotary

# Supreme Court of New Jersey



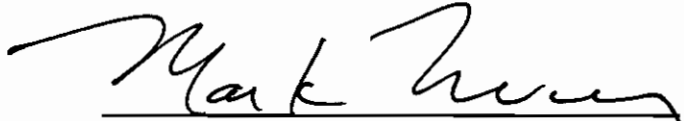
## Certificate of Good Standing

*This is to certify that*      **RICHARD A RUSSO JR**  
(No.      **028602006**      ) *was constituted and appointed an Attorney at Law of New*  
*Jersey on*      **November 16, 2006**      *and, as such,*  
*has been admitted to practice before the Supreme Court and all other courts of this State*  
*as an Attorney at Law, according to its laws, rules, and customs.*

*I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.*

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*

*In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
15TH day of July      , 20 09.*

  
Clerk of the Supreme Court

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

IN RE BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE AND  
EMPLOYMENT RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

This document relates to:  
All Securities Actions

Master File No. 09 MD 2058 (DC)

CLASS ACTION

**ORDER FOR ADMISSION *PRO HAC*  
*VICE* ON WRITTEN MOTION**

Case No. 09 Civ. 0580 (DC)

Upon the motion of Sharan Nirmul, Co-Lead Counsel for the Lead Plaintiffs and the  
Proposed Class, and said sponsor attorney's affirmation in support;

IT IS HEREBY ORDERED that

Applicant's Name: Richard A. Russo, Jr.  
Firm Name: Barroway Topaz Kessler Meltzer & Check, LLP  
Address: 280 King of Prussia Road  
City/State/Zip: Radnor, PA 19087  
Phone Number: (610) 667-7706  
Fax Number: (610) 667-7056  
Email Address: rrusso@btkmc.com

is admitted to practice *pro hac vice* as counsel for the Lead Plaintiffs and the Proposed Class in  
the above captioned case in the United States District Court for the Southern District of New  
York. All attorneys appearing before this Court are subject to the Local Rules of this Court,  
including the Rules governing discipline of attorneys. If this action is assigned to the Electronic

Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Denny Chin, U.S. District Judge



**CERTIFICATE OF SERVICE**

I hereby certify that I caused true and correct copies of the foregoing documents:

- *PRO HAC VICE* MOTION, AFFIDAVIT, AND PROPOSED ORDER.

to be filed with the Clerk of the Court on this date. The CM/ECF system will send notification to all counsel registered for CM/ECF.

Dated: 7-20-09

**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**



Sheran Nirmul  
Email: snirmul@btkmc.com  
280 King of Prussia Road  
Radnor PA 19087  
(610) 667-7706  
Fax: (610) 667-7056

*Co-Lead Counsel for Lead Plaintiffs and the  
Proposed Class*